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EXAMINER

MORGAN, ROBERT W

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TIMOTHY ROBERT WEINSTOCK, KIMBERLY ANN
DEVALLANCE, RANDALL ALLAN HASELHORST, CRAIG STEPHEN
KENNEDY, DAVID GARY SMITH, WILLIAM T. TINGLE,
and ANITA KAY KLOPFENSTEIN

Appeal 2009-006237
Application 09/694,050
Technology Center 3600

Decided: May 28, 2010

Before MURRIEL E. CRAWFORD, JOSEPH A. FISCHETTI, and BIBHU
R. MOHANTY, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant(s) seek our review under 35 U.S.C. § 134 (2002) of the Examiner's final decision rejecting claims 96 to 136. We have jurisdiction over the appeal under 35 U.S.C. § 6(b) (2002). Appellants appeared for oral hearing on May 6, 2010.

We REVERSE.

Claim 96 is illustrative:

96. An Internet-enabled rental vehicle reservation management system, the system comprising:

an Internet web portal in communication with the Internet, wherein the Internet web portal is configured for access by an authorized purchaser computer via the Internet to provide a user of the authorized purchaser computer with an ability to book a rental vehicle reservation with any of a plurality of competitive rental vehicle service providers, wherein the Internet web portal is further configured to provide a plurality of graphical user interface (GUI) menus to the authorized purchaser computer for display thereon, wherein at least one of the GUI menus is configured to accept a selection by the user as to which one of the plurality of competitive rental vehicle service providers that a rental vehicle reservation is to be booked with, and wherein the Internet web portal is further configured to transmit the rental vehicle reservation to the selected one of the competitive rental vehicle service providers;

a computer network operated by one of the competitive rental vehicle service providers, the computer network being in communication with the Internet web portal, the computer network comprising a mainframe that is configured to execute a rental vehicle software program;

wherein at least one of the GUI menus is configured to interface a user of the authorized purchaser computer with the rental vehicle software program; and

wherein the rental vehicle software program is configured to (1) automatically book, in response to input from the user, a rental vehicle reservation with the competitive rental vehicle service provider that operates the computer network without human intervention on the part of personnel of the competitive rental vehicle service provider that operates the computer network and (2) manage the booked rental vehicle reservation in response to input from the user.

The Examiner relies upon the following as evidence of unpatentability:

Barr	US 5,182,705	Jan. 26, 1993
Walker	US 5,794,207	Aug. 11, 1998
Brandt	US 6,125,384	Sep. 26, 2000

Many Ways to Sell, Travel Agent, 36 (1995) (hereinafter “Travel Agent”).

Appellant(s) appeal the following rejection(s):

1. Claims 96 to 105, 107 to 127, and 131 to 136 under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Travel Agent and Brandt.
2. Claims 106 to 108 and 128 to 130 under 35 U.S.C. § 103(a) as unpatentable over Walker in view of Travel Agent, Brandt and Barr.

ISSUE

Did the Examiner err in concluding that a GUI menu configured to accept a selection by the user as to which one of a plurality of competitive

rental vehicle service providers that a rental vehicle reservation is to be booked would have been obvious in view of the teachings of the prior art?

FACTUAL FINDINGS

Walker discloses a method and system for prospective buyers of goods and services to communicate a binding purchase offer globally to potential sellers, and for sellers to search for relevant buyer purchase offers and bind a buyer to a contract based on the buyers purchase offer (col. 8, ll. 27 to 32). Communications can take place between buyers and sellers via an electronic network and central computer (col. 8, ll. 42 to 44). The buyer views a buyer interface 400 and selects goods to purchase. The goods may include rental car leases (Figs. 4 and 5). The buyer fills out a form which constitutes a conditional purchase offer (CPO) regarding the goods or services sought for purchase (col. 8, ll. 46 to 48). The CPO is made available to a plurality of potential sellers and the seller selects a CPO and binds the purchaser (col. 19, ll. 13 to 16).

Travel Agent discloses a 24 hour Automated Rental Management System (ARMS) that enables insurance adjusters to secure a car for customers electronically. ARMS allows insurance companies to do business with Enterprise-Rent A-Car® including making reservations, rental extensions, billing, and payment.

Brandt discloses the FlowMark application software which permits an authorized user to enter car rental information through a rental car agency's web site form (col. 14, ll. 53 to 57).

ANALYSIS

Claims 96 to 105, 107 to 127 and 131 to 136

The Appellants argue that the cited references do not disclose a GUI menu configured to accept a selection by the user of a plurality of rental vehicle competitors. We agree. The Examiner agrees that neither Walker nor Travel Agent disclosed this feature (Ans. 5). The Examiner relies on Brandt for teaching a software application that allows an authorized user to enter car rental information through a rental car agency's website form. However, the Examiner does not find or assert that Brandt discloses that a user can make a selection from a plurality of rental agency competitors. As such, the Examiner has not established that it would have been obvious from the teachings of the cited references to provide a GUI menu configured to accept a selection by the user as to which one of a plurality of competitive rental vehicle service providers that a rental vehicle reservation is to be booked as required by claim 96. As such, we will not sustain the Examiner's rejection of claim 96 and claims 97 to 105, 107 to 112 dependent thereon.

Likewise, the Examiner has not established that it would have been obvious to provide a user of the authorized purchases computer with an option through the Internet web portal to select a rental vehicle service provider with which to book a rental vehicle reservation from among a plurality of competitive rental vehicle service providers as required by claim 113 from which claims 114 to 127 and 131 to 136 depend.

In view of the forgoing, we will not sustain the Examiner's rejection of claims 96 to 105, 107 to 127, and 131 to 136.

Claims 106 to 108 and 128 to 130

In rejecting claims 106 to 108 and 128 to 130, which are dependent on claims 97 and 113 respectively, the Examiner relies on Barr for teaching an automated work management system in which each staff member is assigned an authorization limit. The Examiner has not established that Barr discloses that a user can choose between a plurality of rental agency competitors. Therefore, we will also not sustain the Examiner's rejection of claims 106 to 108 and 128 to 130.

DECISION

We reverse the Examiner's § 103 rejections.

ORDER

REVERSED

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